

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:04CR48**

**UNITED STATES OF AMERICA**

**VS.**

**DEMARIO S. DUNLAP**

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**ORDER**

**THIS MATTER** is before the Court on remand from the Fourth Circuit Court of Appeals for resentencing.

The Circuit granted the parties' joint motion to remand wherein the Government conceded that the probation officer's erroneous "computation of Adult Criminal Convictions assigned three (3) criminal history points for two offenses, which the defendant completed prior to his eighteenth birthday." **Joint Motion, ¶ 2.** This error yielded a higher Guidelines range of imprisonment than would have resulted from a correct calculation of the Defendant's criminal history points. *Id.* Therefore, before the Court schedules this matter for resentencing, the Probation Office will be directed to prepare an addendum to the original presentence report correcting the

computation of the Defendant's criminal history points and the corresponding Guidelines range.

**IT IS SO ORDERED.**

Signed: June 12, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

